

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

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| JOHN BROE, | : | |
| Petitioner, | : | Case No. 1:05-cv-025 |
| -vs- | : | District Judge Susan J. Dlott |
| | : | Chief Magistrate Judge Michael R. Merz |
| WARDEN, LEBANON | : | |
| CORRECTIONAL INSTITUTION, | : | |
| Respondent. | : | |

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #8), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on October 10, 2006, hereby ADOPTS said Report and Recommendations, dismissing Petitioner's Writ of Habeas Corpus matter with prejudice.

The Clerk shall enter judgment accordingly.

October 17, 2006.

S/Susan J. Dlott
Susan J. Dlott
United States District Judge